HIGH COURT OF UTTARANCHAL AT NAINIAL

Writ Petition No. 1498 (M/S) of 2005

With

Stay Vacation Application No. 776/06

Pushkar Singh S/o Late Sri Narendra Singh
R/o Village and Post Badkholu Patti Purvi
Maniyarshyu, District-Pauri Garhwal. .....Petitioner.

Vs.

1. Commissioner Garhwal Mandal Dehradun.
2. Collection Pauri Garhwal.
3. Sri Rajpal Singh Aswal,
   S/o Bhajan Singh Aswal
   R/o MIC Road Pauri
   District-Pauri Garhwal. .....Respondents

Sri D.C.S. Rawat learned counsel for the petitioner.
Sri I.P.Gairola learned counsel for the respondents.
Sri Nand Prasad learned Standing Counsel for the State.

Dated:-20-03-2006

Hon'ble B.S. Verma, J.

Heard Sri D.C.S. Rawat learned counsel for the petitioner, Sri I.P. Gairola learned counsel for the respondents and Sri Nand Prasad learned Standing counsel for the State.

Rejoinder Affidavit is taken on record.

The present writ petition has been filed by the petitioner with a prayer for quashing the impugned order dated 10-11-2005 (Annexure-9) to the writ petition whereby the order dated 27-9-2005 was withdrawn by the Commissioner on the application of the Raj Pal Singh without hearing to the petitioner. The order of District Magistrate Garhwal dated 20-09-2004 was stayed on 27-9-2005 after hearing the petitioner counsel.

It revels form the record that the petitioner was not heard when the order was withdrawn by the Commissioner Pauri Garhwal only the counsel for the Raj Pal Singh was heard.

Heard the counsel for the petitioner as well as Raj Pal Singh. Both the counsel have also prayed for to decide the appeal within a stipulated period. The prayer is innocuous.

Learned Commissioner is directed to decide the appeal within four weeks from the date of production of the certified copy of this order till then the order dated 27-9-2005 shall remain enforce. The interim order dated 20-12-2005 passed by this court is hereby vacated. Party is directed to appear before the court on 27-3-2006.

With the said observation, the writ petition is disposed of finally.

(B.S. Verma, J.)

Dated:-20-3-2006

M.K.